

MANDATE

W.D.N.Y.
10-cv-6525
Geraci, C.J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 8th day of August, two thousand seventeen.

Present:

Raymond J. Lohier, Jr.,
Susan L. Carney,
Christopher F. Droney,
Circuit Judges.

John Ellersick, et al., on behalf of themselves
and all others similarly situated,

Plaintiffs-Petitioners,

v.

17-1083

Monro Muffler Brake, Inc., Monro Service Corporation,

Defendants-Respondents.

Petitioners request, pursuant to Federal Rule of Civil Procedure 23(f), leave to appeal the district court's order denying Petitioners' motion for class certification. Upon due consideration, it is hereby ORDERED that the petition is DENIED because an immediate appeal is unwarranted. *See Sumitomo Copper Litig. v. Credit Lyonnais Rouse, Ltd.*, 262 F.3d 134, 139-40 (2d Cir. 2001).

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk


Catherine O'Hagan Wolfe

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United States Court of Appeals, Second Circuit




Catherine O'Hagan Wolfe

MANDATE ISSUED ON 08/08/2017